Applicant : Vanu Bose et al.
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Attorney's Docket No.: 12869-008001 / AAVANP06

REMARKS

The comments of the Applicant below are each preceded by related comments of the Examiner (in small, bold type).

> **Claims 1-23 rejected under 35 U.S.C. 102(b) as being anticipated by Burke et al. (US Patent Number 5,406,643). Regarding claims 1, 8, and 15 Burke et al. disclose an apparatus for allocating channels, comprising:**
> **a memory that stores executable instruction signals (see fig. 2, section 14, ROM); and**
> **a processor that executes the instruction signals to (see fig. 2, section 16, CPU):**
> **determine a communication standard used by a message (see col. 2, lines 25-29, a subscriber unit to select from amongst a plurality of communications media, that particular media for establishing a communications path to a specified end point);**
> **determine available channels(see col. 2, lines 44-48, The packet server maintains a session list identifying currently available connections (virtual links) to a specific end point); and**
> **allocate a channel based on the available channels and the communication standard used by the message (see col. 2, lines 49-53, The device manager maintains a list specifying the possible communications paths to specific end points and actually controls the communications resources responsible for establishing a communications path).**

Burke does not disclose and would not have suggested "receiving a message … [and] determining the communication standard used by the received message," as recited in amended claim 1.

Burke discloses allowing a subscriber unit to select from among a plurality of communications media, the particular media for establishing a communications path to a specified end point (col. 2, lines 25-29). The communications path 4, 6, and 8 may consist of wireless or wireline communications media such as telephone lines, twisted pair wire, fiber-optic links, infrared channels, and radio frequency channels (col. 3, lines 50-54). The "communications path" in Burke refers to the path over which signals are transmitted, and is different from the "communication standard" recited in claim 1.

Burke also does not disclose and would not have suggested allocating a channel based on the available channels and the communication standard used by the received message, as recited in amended claim 1.

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Burke discloses a packet server 34 that receives a connection command that specifies destination information and various communication criteria. The packet server 34 selects a communications path based on the destination information and the communication criteria specified by the connection command (col. 7, lines 10-23). Burke does not disclose or suggest selecting a communication path based on a communication standard used by a received message.

> **3. Claims 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Owens et al. (US Patent Number 6,338,140).**
> **Regarding claim 22, Owens et al. discloses a software-defined signal processing system, comprising:**
> **a controller (see col. 18, lines 12-14, the fault tolerance is controlled (controller), to determine when to switch from primary to back-up server);**
> **a set of primary servers, each server includes software required to execute a communications standard (see col. 18, lines 12-17, communication server); and**
> **a back-up server that supports the set of primary servers in case of failure (see col. 18, lines 12-17, back-up server for fault tolerance);**
> **wherein the back-up server is configured to perform the functions of a failed server from the set of primary servers when the failed server fails (see col. 18, lines 12-17, the back-up server immediately comes on-line to prevent service disruption).**

Owens does not disclose and would not have suggested a set of primary servers, each server including software for executing a communication standard, "at least two different servers including software for executing different communication standards," and a back-up server that supports the set of primary servers in case of failure, as recited in amended claim 22. Owens discloses that the authentication server and/or the communications server may each have a back-up server that mirrors it (col. 18, lines 12-14). Owens does not disclose or suggest at least two different primary servers including software for executing different communication standards, and a back-up server for supporting such primary servers.

All of the dependent claims are patentable for at least the same reasons as those applied to the claims on which they depend.

Any circumstance in which the applicant has addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner. Any circumstance in which the applicant has made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims. Any

circumstance in which the applicant has amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

Please apply $455 for excess claim fees, and any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: February 1, 2008_____   /Rex I. Huang/_____
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